

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:24cr44

DANNY BETHEA

**DEFENSE COUNSEL ANDREW M. SACKS, ESQUIRE'S BRIEF IN SUPPORT OF MOTION FOR  
LEAVE TO WITHDRAW AS COUNSEL OF RECORD AND FOR SUBSTITUTION OF THE FEDERAL  
PUBLIC DEFENDER**

COMES NOW the undersigned defense counsel, Andrew M. Sacks, Esquire, and as  
and for his Brief In Support Of Motion For Leave To Withdraw As Counsel Of Record And For  
Substitution Of The Federal Public Defender, respectfully states as follows:

**Pertinent Procedural History**

On November 22, 2023, the defendant was charged in the Norfolk General District  
Court, Criminal Division, with seven (7) narcotics and firearms related felony charges under  
the Code of Virginia.

The Court originally appointed the Office of the Public Defender to represent the  
defendant.

In early December, 2023, the undersigned defense counsel substituted in as newly  
retained counsel of record and represented the defendant in the state Court proceedings  
until April 8, 2024, when the Commonwealth of Virginia was granted a dismissal of all  
charges by *nolle prosequi* in light of the defendant having been charged by Criminal  
Complaint in this Court on April 4, 2024.

During the undersigned defense counsel's state Court representation of the  
defendant, counsel was advised by the state prosecutor that the federal authorities both

had a detainer lodged against the defendant (in connection with the pending Supervised Release Violation), and that the federal authorities also intended eventually to adopt the underlying state case in its entirety. As a result of this latter information, the undersigned counsel commenced a dialogue with the Assistant United States Attorney responsible for the intended federal adoption in an effort to begin to assist the defendant in the Federal venue.

On April 9, 2024, the Federal Public Defender was appointed for the defendant, and Suzanne Katchmar, AFD underook defendant's representation.<sup>1</sup>

On April 19, 2024, the undersigned defense counsel appeared as the defendant's new counsel of record, having been granted leave to substitute for the Federal Public Defender.

Between that time, and until recently, the undersigned defense counsel has had extensive contact with the Assistant United States Attorney, as well as numerous communications with the defendant, in an effort to weigh defendant's options and to assist the defendant in his defense.<sup>2</sup>

Since the undersigned defense counsel's appearance as counsel of record, however, and notwithstanding counsel's best efforts, certain professional differences have developed between the defendant and defense counsel as to how the defendant should best approach his case. These differences have evolved in connection with nearly all of the major issues and decisions confronting the defendant at this time. These differences have apparently culminated in the defendant's requesting of defense counsel late last week that he seek to

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<sup>1</sup> The undersigned defense counsel is advised that Ms. Katchmar has had extensive experience representing the defendant, both in prior federal proceedings as well as in connection with the pending Supervised Release Violation before District Judge Wright-Allen.

<sup>2</sup> On May 22, 2024, the defendant was indicted by a Grand Jury in this Court on five (5) narcotics and gun charges.

withdraw so that the defendant might have the Federal Public Defender reappointed to represent him at this post-indictment stage (and particularly Ms. Katchmar, with whom, as previously noted, the defendant is quite familiar as an attorney).

The defendant faces serious charges, compounded by his prior criminal history. The undersigned defense counsel respectfully submits that at this point, it is clearly in the best interests of the defendant to have a fresh set of eyes and another perspective from the standpoint of counsel to address his current situation and pending options.

For all of these reasons, the undersigned defense counsel respectfully submits that he has demonstrated good cause in the interest of justice for the requested relief in the form of an Order of withdrawal and substitution of the Federal Public Defender, and respectfully so moves.

DANNY BETHEA

By: \_\_\_\_\_/s/\_\_\_\_\_  
Andrew M. Sacks, Esquire

Andrew M. Sacks, Esquire, VSB#: 20082  
Attorney for defendant Dion Camp  
SACKS & SACKS, P.C.  
Town Point Center  
150 Boush Street, Suite 505  
Norfolk, VA 23510  
Telephone: (757) 623-2753  
Facsimile: (757) 274-0148  
E-mail: [andrewsacks@lawfirmofsacksandsacks.com](mailto:andrewsacks@lawfirmofsacksandsacks.com)

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of June, 2024, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

Sherrie Capotosto, Esquire  
Assistant United States Attorney

United States Attorney's Office  
8000 World Trade Center  
101 West Main Street  
Norfolk, VA 23510-1624  
Phone: 757-441-6331  
Fax: 757-441-6689  
E-mail: [Sherrie.Capotosto@usdoj.gov](mailto:Sherrie.Capotosto@usdoj.gov)

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/s/

Andrew M. Sacks, Esquire

Andrew M. Sacks, Esquire, VSB#: 20082  
Attorney for defendant Dion Camp  
SACKS & SACKS, P.C.  
Town Point Center  
150 Boush Street, Suite 505  
Norfolk, VA 23510  
Telephone: (757) 623-2753  
Facsimile: (757) 274-0148  
E-mail: [andrewsacks@lawfirmofsacksandsacks.com](mailto:andrewsacks@lawfirmofsacksandsacks.com)

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